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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,515

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Brett Error

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RAUBVOGEL LAW OFFICE  
820 LAKEVIEW WAY  
REDWOOD CITY, CA 94062

EXAMINER

FRITZ, BRADFORD F

ART UNIT

PAPER NUMBER

2442

NOTIFICATION DATE

DELIVERY MODE

01/08/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AMIR@RAUBVOGEL.COM

<b>Office Action Summary</b>	<b>Application No.</b> 10/608,515	<b>Applicant(s)</b> ERROR ET AL.	
	<b>Examiner</b> BRADFORD F. FRITZ	<b>Art Unit</b> 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 18-23, 25, 26, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 18-23, 25, 26, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/7/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 7/06/09 have been fully considered but they are not persuasive.
2. In the remarks, applicant argued in substance that:

(A) Prior art does not teach sending an indicator that a redirection has occurred.

As to point (A), the Examiner respectfully disagrees. Durham clearly teaches that after redirection, the request is updated to indicate that the operation has occurred by assigning a cookie and accordingly such assignment does not need to happen again, because the server checks for “the indicator” (*the cookie*) (column 7, lines 64 – column 8, line 14, Fig. 2, item 102). In other words, if a client was assigned a cookie and redirected, then the presence of such a cookie is clearly an indicator that redirection has occurred. Or else, Durham's system would enter an infinite loop if it were not for the test at Figure 2, item 102 and the system would re-assign a cookie to the request over and over again.

(B) Prior art does not teach determining whether such an indicator is included in a received request.

As to point (B), the Examiner respectfully disagrees. Durham clearly teaches determining whether “indicator” (the cookie) is included in a received request (column 7, lines 64 – column 8, line 14, Fig. 2, item 102).

(C) Prior art does not teach a mechanism for determining whether or not a cookie has previously been sent.

As to point (C), the Examiner respectfully disagrees. Durham teaches checking to see if a cookie is present (column 7, lines 64 – column 8, line 14, Fig. 2, item 102), if it is determined that such a cookie is present then it clearly determines that a cookie has been previously sent, or else there would be no cookie present and the server would assign a new cookie to the client and redirect the client to the customized page (column 7, lines 64 – column 8, line 14, Fig. 2, item 102).

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 18-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5. The claim 18 lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical

compounds to be a composition of matter. As such, the claim fails to fall within a statutory category. They are, at best, functional descriptive material *per se*.

6. The claims 19-20 lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

### ***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-12, 18-23, 25-26, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Durham (6,330,566), in view of Cui et al. (6,910,180), hereinafter referred to as Cui, further in view of Farber et al. (6,185,598), hereinafter referred to as Farber.

9. Regarding claims 1 and 18, Durham disclosed a.) receiving a request for a resource (column 7, line 64 – column 8, line 14, Fig. 2 item 100), the request originating at a client (column 7, line 64 – column 8, line 14, Fig. 2 item 100); b.) determining whether the request for the resource includes a visitor identifier (column 7, lines 64 – column 8, line 14, Fig. 2, item 102); c.) responsive to the request including a visitor identifier: obtaining data associated with the visitor identifier (column 7, line 64 – column 8, line 14, Fig. 2 item 104); and transmitting the requested resource to the client

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(column 7, line 64 – column 8, line 14, Fig. 2 item 116); d.) responsive to the request not including a visitor identifier: assigning a new visitor identifier (column 7, line 64 – column 8, line 14, Fig. 2 item 114); sending a redirection request with the new visitor identifier to the client (column 7, line 64 – column 8, line 14, Fig. 2 items 110 and 116), and transmitting the requested resource to the client (column 7, line 64 – column 8, line 14, Fig. 2 item 116).

However, Durham does not explicitly teach determining that the client accepts visitor identifiers, and determining that the client does not accept visitor identifiers. Cui teaches determining that the client accepts visitor identifiers, and determining that the client does not accept visitor identifiers (column 1, lines 57-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Cui in Durham because both are from the same field of endeavor and in order to decide whether or not to provide cookie service (column 1, lines 57-65).

However, the Durham-Cui combination does not explicitly teach responsive to the request not including an indicator that redirection has occurred: assigning a new visitor identifier. Farber teaches responsive to the request not including an indicator that redirection has occurred: assigning a new visitor identifier (column 16, lines 27-45 and Fig. 3, pseudo code diamond: “reply is redirect?”). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Farber in Durham-Cui combination because all are from the same field of endeavor and in order to avoid all requests going to the origin server or cause all

requests to go to the repeater causing the repeater to redundantly request resources which could not be cached (column 16, lines 27-45).

10. Regarding claims 2, 4, 6, 8, 12, and 20 Durham disclosed a method wherein the visitor identifier comprises a cookie (column 7, line 64 – column 8, line 14, Fig. 2).

11. Regarding claims 3 and 19, Durham disclosed a.) receiving a request for a resource from a requestor, the requestor having an address (column 7, line 64 – column 8, line 14, Fig. 2); b.) determining whether the request includes a visitor identifier (column 7, line 64 – column 8, line 14, Fig. 2 item 102); c.) responsive to the request including a visitor identifier: c.1) obtaining data associated with the visitor identifier (column 7, line 64 – column 8, line 14, Fig. 2 item 106); and c.3) transmitting the requested resource to the requestor (column 7, line 64 – column 8, line 14, Fig. 2 item 116); and d.) responsive to the request not including a visitor identifier: assigning a visitor identifier from the requestor's address (column 7, line 64 – column 8, line 14, Fig. 2 item 112); and transmitting the requested resource to the requestor (column 7, line 64 – column 8, line 14, Fig. 2 item 116); and d.3) responsive to the request not including the indicator that step d.3) has been performed: assigning a new visitor identifier (column 7, line 64 – column 8, line 14, Fig. 2 item 114); sending to the requestor a redirection request including the new visitor identifier the redirection request being adapted to cause the requestor to retransmit the request for the resource; and repeating steps a-d (column 7, line 64 – column 8, line 14, Fig. 2).

However, Durham does not explicitly teach determining that the client accepts visitor identifiers, and determining that the client does not accept visitor identifiers. Cui

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teaches determining that the client accepts visitor identifiers, and determining that the client does not accept visitor identifiers (column 1, lines 57-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Cui in Durham because both are from the same field of endeavor and in order to decide whether or not to provide cookie service (column 1, lines 57-65).

However, the Durham-Cui combination does not explicitly teach determining whether the request includes an indicator that step d.3) has been performed; and sending an indicator that step d.3) has been performed. Farber teaches determining whether the request includes an indicator that step d.3) has been performed; and sending an indicator that step d.3) has been performed (column 16, lines 27-45 and Fig. 3, pseudo code diamond: "reply is redirect?"). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Farber in Durham-Cui combination because all are from the same field of endeavor and in order to avoid all requests going to the origin server or cause all requests to go to the repeater causing the repeater to redundantly request resources which could not be cached (column 16, lines 27-45).

12. Regarding claim 5, Durham disclosed a method wherein determining whether the request for the resource included a visitor identifier further comprises the steps of: comparing the visitor identifier with a range of valid visitor identifiers (column 7, line 64 – column 8, line 14, Fig. 2 item 104), and, in response to the visitor identifier being outside the range of valid visitor identifiers (column 7, line 64 – column 8, line 14, Fig. 2 item

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104), indicating that the request did not include the visitor identifier (column 7, line 64 – column 8, line 14, Fig. 2 item 104).

13. Regarding claim 7, Durham disclosed categorizing data sent with the request for the resource by at least one selected from the group consisting of a visitor identifier, a page identifier, and a time stamp (column 7, line 64 – column 8, line 14, Fig. 2).

14. Regarding claim 9, Durham disclosed repeating steps a-d for a predetermined amount of time (column 7, line 64 – column 8, line 14, Fig. 2).

15. Regarding claim 10, Durham disclosed repeating steps a-d until receiving a particular request for a resource (column 7, line 64 – column 8, line 14, Fig. 2).

16. Regarding claim 11, Durham disclosed a communication interface for receiving a request for a resource from a requestor and sending a visitor identifier (column 7, line 64 – column 8, line 14, Fig. 2); a cookie handler coupled to the communications interface for performing the steps of: a) determining whether the request includes a visitor identifier (column 7, line 64 – column 8, line 14, Fig. 2 item 102); b) responsive to the request including a visitor identifier: b.1) obtaining data associated with the visitor identifier (column 7, line 64 – column 8, line 14, Fig. 2 item 106); b.3) causing the communication interface to transmit the requested resource to the requestor (column 7, line 64 – column 8, line 14, Fig. 2); c) responsive to the request not including a visitor identifier: assigning a visitor identifier (column 7, line 64 – column 8, line 14, Fig. 2 item 114); causing the communication interface to transmit the requested resource to the requestor (column 7, line 64 – column 8, line 14, Fig. 2); c.3) assigning a new visitor identifier (column 7, line 64 – column 8, line 14, Fig. 2 items 112, 114); causing the

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communication interface to send to the requestor a redirection request including the new visitor identifier (column 7, line 64 – column 8, line 14, Fig. 2) the redirection request being adapted to cause the requestor to retransmit the request for the resource (column 7, line 64 – column 8, line 14, Fig. 2); and a session controller coupled to the cookie handler for signaling a session end for a particular visitor identifier (column 7, line 64 – column 8, line 14, Fig. 2); and a repository for: storing data sent with the request for the resource; responsive to the request including a visitor identifier, storing data associated with the visitor (column 7, line 64 – column 8, line 14, Fig. 3).

However, Durham does not explicitly teach determining that the client accepts visitor identifiers, and determining that the client does not accept visitor identifiers. Cui teaches determining that the client accepts visitor identifiers, and determining that the client does not accept visitor identifiers (column 1, lines 57-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Cui in Durham because both are from the same field of endeavor and in order to decide whether or not to provide cookie service (column 1, lines 57-65).

However, the Durham-Cui combination does not explicitly teach determining whether the request includes an indicator that step c.3) has been performed; and sending an indicator that step c.3) has been performed. Farber teaches determining whether the request includes an indicator that step c.3) has been performed; and sending an indicator that step c.3) has been performed (column 16, lines 27-45 and Fig. 3, pseudo code diamond: “reply is redirect?”). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by

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Farber in Durham-Cui combination because all are from the same field of endeavor and in order to avoid all requests going to the origin server or cause all requests to go to the repeater causing the repeater to redundantly request resources which could not be cached (column 16, lines 27-45).

17. Regarding claims 21, and 25, Durham disclosed wherein the received request identifies a resource (column 7, line 64 – column 8, line 14, Fig. 2), and the redirection request identifies the same resource identified by the received request (column 7, line 64 – column 8, line 14, Fig. 2).

18. Regarding claims 22 and 26, Durham disclosed wherein the received request identifies an address (column 7, line 64 – column 8, line 14, Fig. 2), and the redirection request identifies the address identified by the received request (column 7, line 64 – column 8, line 14, Fig. 2).

19. Regarding claim 23, Durham wherein sending a redirection request comprises sending a redirection request including an indicator that step c) has been performed (column 7, line 64 – column 8, line 14, Fig. 2).

16. Regarding claims 30 and 31, Durham disclosed repeating steps a-c until reaching a session expiration (column 7, line 64 – column 8, line 14, Fig. 2).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADFORD F. FRITZ whose telephone number is (571)272-3860. The examiner can normally be reached on 8:00 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. F. F./  
Examiner, Art Unit 2442

/Joon H. Hwang/  
Supervisory Patent Examiner, Art Unit 2447